

**THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

EVERETT TURNER,

Plaintiff,

vs.

FLAGSTAR BANK, FSB,

Defendant.

Case No.: 2:22-cv-11539-MAG-EAS

**NOTICE OF MOTION TO
CONSOLIDATE CASE**

Non-party Philip Angus, the plaintiff in *Angus v. Flagstar Bank, FSB*, No. 4:22-cv-11385-SDK-KGA, filed June 22, 2022 and pending before Hon. Shalina D. Kumar, pursuant to LR 42.1(a)(2), hereby gives notice that he has filed a motion to consolidate this case with the earliest numbered *Angus* case. *See Angus* (ECF No. 8).

Federal Rule of Civil Procedure 42(a) provides that “[i]f actions before the court involve a common question of law or fact, the court may: (1) join for hearing or trial any or all matters at issue in the actions; (2) consolidate the actions; or (3) issue any other orders to avoid unnecessary cost or delay.”

LR 42.1 provides that “[a] party seeking to consolidate cases under Federal Rule of Civil Procedure 42(a) must: (1) file a motion in the case with the earliest case number; and (2) file a notice of the motion in each related case.” *Id.* § (a). “The

district judge presiding in the earliest numbered case will decide the motion. However, the motion may not be granted unless the judges presiding in the related cases consent.” *Id.* § (b). “If the motion is granted, the consolidated cases will be reassigned to the judge presiding in the earliest numbered case.” *Id.* § (c).

On June 22, 2022, Angus initiated the earliest numbered case against Flagstar Bank, FSB, alleging claims arising from a data breach on behalf of individuals whose information was impacted by the data breach. This case raises common questions of law and fact as it arises from the same data breach and asserts similar claims on behalf of individuals whose information was impacted by the data breach. Accordingly, Angus has moved to consolidate this case with his case.

/s/ John A. Yanchunis
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CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that on August 1, 2022, a copy of the foregoing document was filed electronically. Notice of this filing will be sent to counsel of record by operation of the Court's electronic filing system.

/s/ John A. Yanchunis

John A. Yanchunis